

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO. CR 218-014</b>
	)	
<b>JEREMY MCINTYRE</b>	)	
	)	

**GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE AS TO  
DEFENDANT JEREMY MCINTYRE**

Comes now the United States of America, by and through Bobby L. Christine, United States Attorney for the Southern District of Georgia, and respectfully moves, pursuant to U.S.S.G. § 5K1.1, for a downward departure from the applicable sentencing guideline range for defendant Jeremy McIntyre, based upon his substantial assistance to the government in the investigation and prosecution of other persons.

**BACKGROUND**

1. On March 7, 2018, the grand jury returned a 36-count indictment against Jeremy McIntyre and 15 codefendants. McIntyre is named in Counts 1, 20, 21, and 22 of the Indictment.

2. Count 1 charges that McIntyre committed the offense of conspiracy to possess with intent to distribute, and to distribute, 5 kilograms or more of cocaine, a quantity of cocaine base, and a quantity of marihuana, in violation of 21 U.S.C. § 846.

3. Count 20 charges that McIntyre committed the offense of possession of a firearm by a prohibited person, in violation of 18 U.S.C. § 922(g)(3).

4. Count 21 charges that McIntyre committed the offense of maintaining a drug-involved premises, in violation of 21 U.S.C. § 856(a)(1).

5. Count 22 charges that McIntyre committed the offense of possession with intent to distribute a quantity of cocaine, in violation of 21 U.S.C. § 841(a)(1).

6. On October 22, 2018, McIntyre pled guilty to conspiracy to possess with intent to distribute, and to distribute, a quantity of cocaine, in violation of 21 U.S.C. § 846, a lesser included offense of Count 1 of the Indictment. As part of his plea agreement, Defendant agreed to cooperate with the government, providing full, complete, candid, and truthful cooperation in the investigation and prosecution of the offenses charged in the Indictment and any related offenses.

7. The government represents, and will more fully develop at sentencing, that the assistance of the defendant in the investigation and prosecution of others constitutes “substantial assistance” as contemplated by U.S.S.G. 5K1.1. Therefore, by the filing of this downward departure motion pursuant to U.S.S.G. § 5K1.1, the Court is authorized to impose a sentence below the advisory guideline sentencing range.

8. McIntyre cooperated early in the investigation in this case, and provided the government with useful information on several indicted co-conspirators. He also met with the government on several occasions after the Indictment was returned, and was willing to testify at trial if needed.

9. Based on Defendant's assistance, the government submits that Defendant McIntyre provided substantial assistance and that his cooperation warrants a sentence below the sentencing guidelines. The government characterizes the overall scope and quality of Defendant McIntyre's cooperation as Minimal.<sup>1</sup>

#### **CITATION OF AUTHORITY**

Section 5K1.1 of the United States Sentencing Guidelines provides that:

Upon motion of the government stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense, the court may depart from the guidelines.

(a) The appropriate reduction shall be determined by the court for reasons stated that may include, but are not limited to, consideration of the following:

(1) the court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the government's evaluation of the assistance rendered;

(2) the truthfulness, completeness, and reliability of any information or testimony provided by the defendant;

(3) the nature and extent of the defendant's assistance;

(4) any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance;

(5) the timeliness of the defendant's assistance.

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<sup>1</sup> Using this scale: Exceptional, Very Significant, Significant, Moderate, and Minimal.

WHEREFORE, the government respectfully requests that this Court depart downward as the Court deems appropriate in imposing sentence on the aforementioned defendant.

Respectfully submitted,

BOBBY L. CHRISTINE  
UNITED STATES ATTORNEY

/s/ Matthew A. Josephson  
Assistant United States Attorney  
Georgia Bar No. 367216

**CERTIFICATE OF SERVICE**

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing (“NEF”) which was generated as a result of electronic filing in this Court.

This 31st day of January, 2019.

Respectfully submitted,

BOBBY L. CHRISTINE  
UNITED STATES ATTORNEY

**/s/ Matthew A. Josephson**

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